

ORDINANCE NO. 97-30

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE TEXT OF THE LAND USE ELEMENT (TO ESTABLISH SUGAR CANE GROWERS COOPERATIVE OF FLORIDA OVERLAY); AMENDING THE FUTURE LAND USE ATLAS (FLUA), MODIFYING PAGES 130 AND 134 TO DEPICT THE BOUNDARIES OF THE OVERLAY; AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on February 28, March 14, and March 28, 1997, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 31 and April 2, 1997, to review the recommendations of the

1 Local Planning Agency, whereupon the Board of County Commissioners  
2 authorized transmittal of proposed amendments to the Department of  
3 Community Affairs for review and comment pursuant to Chapter 163,  
4 Part II, Florida Statutes; and

5 WHEREAS, Palm Beach County received on July 7, 1997, the  
6 Department of Community Affairs "Objections, Recommendations, and  
7 Comments Report," dated July 3, 1997, which was the Department's  
8 written review of the proposed Comprehensive Plan amendments; and

9 WHEREAS, on August 8, 1997, the written comments submitted by  
10 the Department of Community Affairs, and the Planning Division's  
11 response to the written comments, were reviewed by the Palm Beach  
12 County Local Planning Agency to make recommendations regarding  
13 adoption of the Comprehensive Plan amendments; and

14 WHEREAS, on September 22, 1997, the Palm Beach County Board of  
15 County Commissioners held a public hearing to review the written  
16 comments submitted by the Department of Community Affairs and to  
17 consider adoption of the amendments; and

18 WHEREAS, the Palm Beach County Board of County Commissioners  
19 has determined that the amendments with the additional information  
20 satisfy the concerns addressed in the Department of Community  
21 Affairs' "Objections, Recommendations and Comments Report" and  
22 comply with all requirements of the Local Government Comprehensive  
23 Planning and Land Development Regulations Act.

24 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
25 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

26 Part I. Amendments to the 1989 Comprehensive Plan

27 Amendments to the following Elements of the 1989 Comprehensive  
28 Plan are hereby adopted and are attached to this Ordinance as the  
29 following Exhibits:

30 A. Land Use Element, Sugar Cane Growers Cooperative of



1 Florida Protection Area Overlay text additions; and

2 B. Future Land Use Atlas, modifying pages 130 and 134 to  
3 establish the boundaries of the Sugar Cane Growers  
4 Cooperative of Florida Protection Area Overlay.

5 Part II. Repeal of Laws in Conflict

6 All local laws and ordinances applying to the unincorporated  
7 area of Palm Beach County in conflict with any provision of this  
8 ordinance are hereby repealed to the extent of such conflict.

9 Part III. Severability

10 If any section, paragraph, sentence, clause, phrase, or word  
11 of this Ordinance is for any reason held by the Court to be  
12 unconstitutional, inoperative or void, such holding shall not  
13 affect the remainder of this Ordinance.

14 Part IV. Inclusion in the 1989 Comprehensive Plan

15 The provision of this Ordinance shall become and be made a  
16 part of the 1989 Palm Beach County Comprehensive Plan. The  
17 Sections of the Ordinance may be renumbered or relettered to  
18 accomplish such, and the word "ordinance" may be changed to  
19 "section," "article," or any other appropriate word.

20 Part V. Effective Date

21 The effective date of this plan amendment shall be the date a  
22 final order is issued by the Department of Community Affairs or  
23 Administration Commission finding the amendment in compliance in  
24 accordance with Section 163.3184, Florida Statutes, whichever  
25 occurs earlier. No development orders, development permits, or  
26 land uses dependent on this amendment may be issued or commence  
27 before it has become effective. If a final order of noncompliance  
28 is issued by the Administration Commission, this amendment may  
29 nevertheless be made effective by adoption of a resolution  
30 affirming its effective status, a copy of which resolutions shall

1 be sent to the Department of Community Affairs, Bureau of Local  
2 Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

3 APPROVED AND ADOPTED by the Board of County Commissioners of  
4 Palm Beach County, on the 22 day of September, 1997.

5 ATTEST:  
6 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

7 By: [Signature]  
8 Deputy Clerk

By: [Signature]  
Chair

9 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

10 [Signature]  
11 COUNTY ATTORNEY

12 Filed with the Department of State on the 29 day  
13 of September, 1997.

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**A. Land Use Element - Sugar Cane Growers Cooperative of Florida Protection Area Overlay text additions.**

**1. ADDED NEW bullet under Policy 1.1-d:**

- The Sugar Cane Growers Cooperative of Florida Overlay is defined in the section entitled "Implementation of the Land Use Element". The purpose of the overlay area is to provide for the protection of a significant agricultural industry from encroachment by incompatible uses and activities; as well as to provide opportunities for the location of accessory, auxiliary, and supporting industrial uses in close proximity to Sugar Mill and related facilities, which are directly related to the continuation and future development of this industry.

**2. ADDED NEW Sub-Section H, UNDER Section 16: Special Overlays**

**H. SUGAR CANE GROWERS COOPERATIVE OF FLORIDA PROTECTION AREA OVERLAY**

The Sugar Cane Growers Cooperative of Florida (SCGCF) was established by a group of farmers in 1960, with the purpose of cultivating and processing sugar cane. Sugar mill facilities were sited two years later in the current location, in an isolated area about 4 miles west of Lake Okeechobee. With the expansion of residential and non-residential uses westward from the lake since that time, proximity to the SCGCF mill has prompted concerns about potential incompatibilities.

The continuation of the SCGCF operation and addition of any needed support industries is consistent with the Comprehensive Plan's economic objective of enhancing agriculture and food processing activities, and retention of a major employer within the County.

The purpose of the overlay area is to provide for the protection of a significant agricultural industry from encroachment by incompatible uses and activities; as well as to provide opportunities for the location of accessory, auxiliary, and supporting industrial uses in close proximity to the existing SCGCF mill and related facilities. In order to help ensure the continued operation of these facilities, it is necessary to provide for adjacent land uses and activities in the Overlay area which are compatible with or complement the operations, and allow the continuation and future development of this industry.

The Sugar Cane Growers Cooperative of Florida Protection Area Overlay is generally described as the area east of State Road 15, east and north of Belle Glade's city limits south of State Road 80, and west of the adopted Urban Service Area Boundary for the Glades. The Land Use Atlas depicts the exact boundaries of the Overlay. The overlay includes all of Sections 21, and 28, the eastern half of sections 20 and 29, Township 37 Range 43, excluding completely the western half of Section 29 which has been selected by the City of Belle Glade to build a Business Park and as a potential future annexation area. The specific boundaries of the Sugar Cane Growers Cooperative of Florida Protection Area Overlay are depicted in Figures of this element.

All lands within the Overlay are designated as Industrial on the Land Use Atlas. The permitted uses within the Overlay will be limited to those uses that support and contribute to or are compatible with the operations of the Sugar Cane Growers Cooperative of Florida, including agriculture. The Unified Land Development Code shall specifically identify the uses permitted within this Overlay, and must provide for regulations and restrictions consistent with the provisions of this Overlay. All uses and development within this Overlay will be subject to other applicable regulations contained within the Unified Land Development Code. It is the intent of the Palm Beach County Board of County Commissioners to also allow institutional uses within the Overlay area.

Should production and processing at the Sugar Cane Growers Cooperative of Florida be discontinued, this Overlay and Policy 1.1-d of the Land Use Element will be revisited, as well as every five years as part of the Evaluation and Appraisal Report (EAR) process.

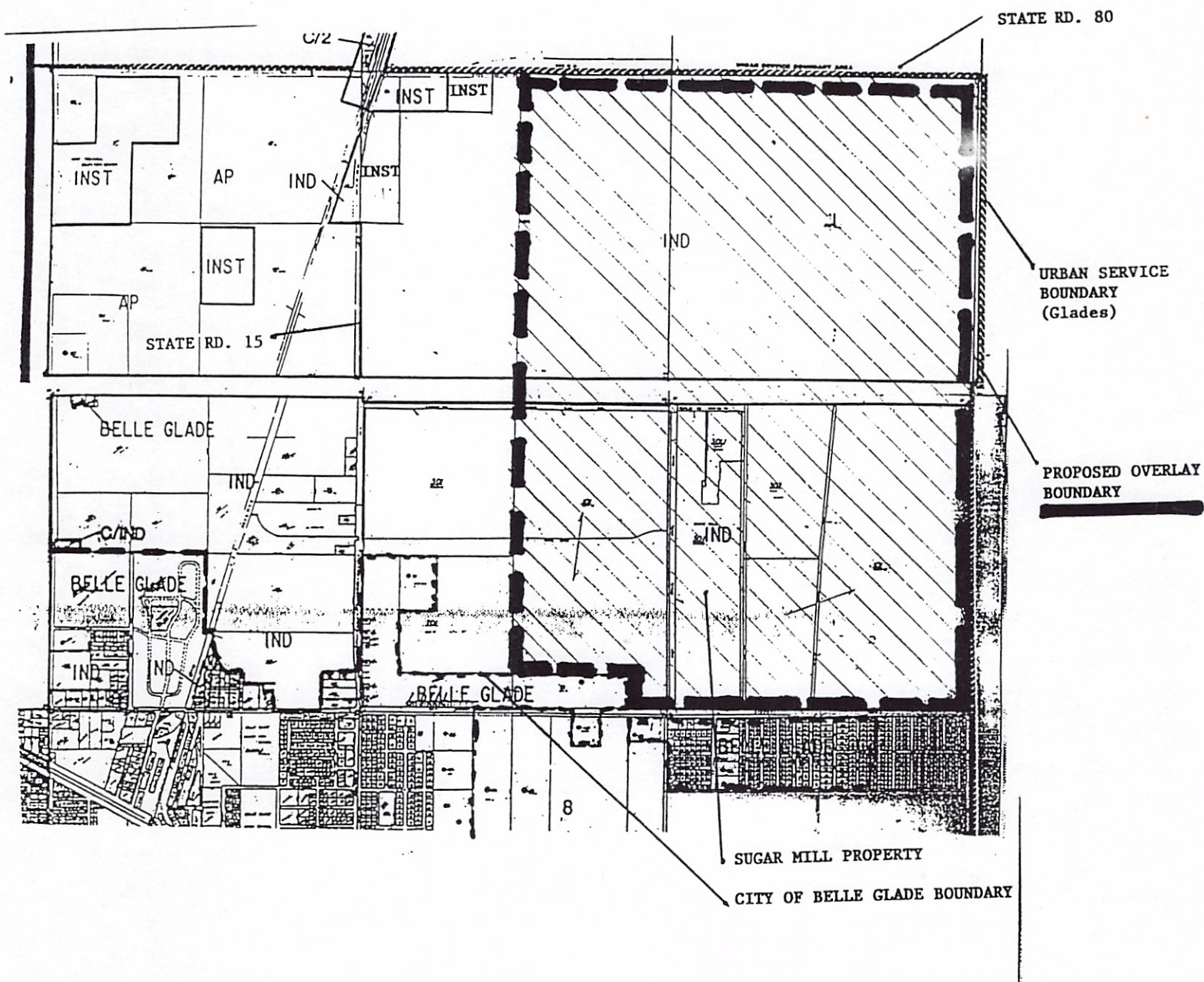
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B. Future Land Use Atlas - Sugar Cane Growers Cooperative of Florida Protection Area Overlay boundary addition.

FLUA pages 130, 134 will be modified to depict the boundaries of the Overlay, as shown in the figure below.

SUGAR OVERLAY DISTRICT LOCATION AND BOUNDARY MAP



STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on 9/22/97  
DATED at West Palm Beach, FL on 10/8/97  
DOROTHY H. WILKEN, Clerk  
By: Ray Charles A. House D.C.

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